

**CALENDAR ITEM  
C29**

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PRC 4769.1

V. Caldwell

**CORRECTION TO PRIOR AUTHORIZATION FOR AN ASSIGNMENT OF LEASE**

**LESSEE/ASSIGNOR:**

Plains Products Terminals LLC

**ASSIGNEE:**

Valero East Bay LLC

**AREA, LAND TYPE, AND LOCATION:**

14.04 acres, more or less, of filled and unfilled sovereign land in Suisun Bay and Pacheco Slough, adjacent to Waterfront Road, near Martinez, Contra Costa County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing marine oil terminal (Martinez Terminal) consisting of a 40-foot-wide by 100-foot-long concrete wharf connected to land by a 1,700-foot-long trestle supporting an 11-foot-wide roadway and pipe rack; an existing 12-inch diameter petroleum pipeline; filled land along Waterfront Road; and annual dredging of up to 6,000 cubic yards of material.

**LEASE TERM:**

20 years, beginning January 1, 2005.

**CONSIDERATION:**

\$330,210 per year with an annual Consumer Price Index adjustment.

**PROPOSED CORRECTION:**

Correct the effective date of the Assignment from *on the close of purchase, but no later than March 31, 2017*, authorized at the December 6, 2016, Commission meeting ([Calendar Item C24, December 6, 2016](#)); to *at the close of purchase, but no later than December 31, 2017*.

**OTHER PERTINENT INFORMATION:**

1. This activity is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the

CALENDAR ITEM NO. **C29** (CONT'D)

protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

2. The Lessee/Assignee recently informed staff that one of the conditions to closing the purchase is receiving clearance under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (Public Law 94-435, known commonly as the HSR Act) from the United States Federal Trade Commission. The Lessee/Assignee cannot be certain when this clearance will be received; therefore, due to the nature and complexity of this type of transfer, staff recommends allowing additional time for the close of purchase to occur. All other terms and conditions of the prior authorization and lease will remain the same.
3. Correcting the effective date of the previously authorized lease assignment is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**AUTHORIZATION:**

Authorize the correction of the Commission's December 6, 2016 authorization of the effective date of assignment of Lease No. PRC 4769.4, a General Lease – Industrial Use, of sovereign land as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof, from Plains Products Terminals LLC, to Valero East Bay LLC; from effective *on the close of purchase but no later than March 31, 2017*; to *at the close of purchase, but no later than December 31, 2017*, all other terms and conditions of the prior authorization and lease will remain the same.

Exhibit "A"

Description of Lands Covered by Lease No. PRC 4769.1

Real property situated in Contra Costa County State of California described as follows:

Parcel One:

A parcel of tide and submerged land lying within Suisun Bay, near the city of Martinez, being more particularly described as follows:

COMMENCING at a 2" X 2" hub numbered 29, as shown on that Record of Survey recorded January 26, 1954 in Book 16 of Licensed Land Surveyors' Maps at page 14, Contra Costa County Records; thence South 79° 09' East along the northern line of Swamp and Overflow Survey No. 424, 83.16 feet to the TRUE POINT OF BEGINNING, said point also being on the line common to Sections 8 and 9, Township 2 North, Range 2 West, Mount Diablo Base Line and Meridian; thence North 00° 51' 00" East along said section line 2789.00 feet; thence leaving said section line North 71° 51' 00" East, 35.00 feet; thence North 10° 00' 00" West, 27.21 feet; thence North 33° 10' 09" West, 1490.20 feet; thence South 62° 47' 18" West, 259.56 feet; thence South 79° 58' 49" West 235.64 feet; thence North 27° 12' 42" West, 180.00 feet; thence North 62° 47' 18" East, 995.00 feet; thence South 27° 12' 42" East, 180.00 feet; thence South 45° 55' 59" West, 240.21 feet; thence South 62° 47' 18" West, 226.89 feet; thence South 33° 10' 09" East, 601.81 feet; thence North 56° 49' 51" East, 40.00 feet; thence South 33° 10' 09" East, 85.00 feet; thence South 56° 49' 51" West, 40.00 feet; thence South 33° 10' 09" East, 840.00 feet; thence North 71° 51' 00" East, 4.53 feet; thence South 00° 51' 00" West, 2841.06 feet to the northern line of said Swamp and Overflow Survey No. 424; thence North 79° 09' 00" West along the northern line of said Survey No. 424, 101.54 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM any validly patented interest in that land covered by Tideland Survey No. 207 patented to J.M. Keith pursuant to that certain Tideland Patent recorded November 22, 1901 in Book 4 of Patents, page 402, Contra Costa County Official Records.

Parcel Two:

A parcel of tide and submerged land lying in the bed of Pacheco Creek (also know as Walnut Creek), approximately 2 miles northeast of the City of Martinez, Contra Costa County, State of California, being more particularly described as follows:

COMMENCING at State Lands Monument "AVON" having CCS 27, Zone 3 coordinates of X=1,545,386.26, Y=561,570.34; thence North 18° 39' 30" West, 231.00 feet; thence South 71° 20' 30" West, 239.53 feet to the ordinary high water mark of the east bank of Pacheco Slough and being the TRUE POINT OF BEGINNING; said ordinary high water mark being described in Boundary Line Agreement No. 7 between Tidewater Associated Oil Company and the State Lands Commission as recorded on March 15, 1951, in Volume 1732, page 35, Official Records of Contra Costa County; thence along said boundary line North 59° 02' 55" West, 65.65 feet; thence leaving said boundary line South 71° 20' 30" West, 141.64 feet to the ordinary high water mark of the west bank of the Pacheco Slough; said ordinary high water mark described in Boundary Line Agreement No. 8 between the United Towing Company and the State Lands Commission as recorded on March 15, 1951, in Volume 1732, page 37, Official Records of Contra Costa County; thence along said boundary line South 64° 08' 41" East, 71.32 feet; thence leaving said boundary line North 71° 20' 30" East, 133.33 feet to the TRUE POINT OF BEGINNING.

**Parcel Three:**

A parcel of submerged land lying in the bed of Suisun Bay, near the city of Martinez, being more particularly described as follows:

COMMENCING at the most westerly corner of the above described parcel one, thence South 62° 07' 14" West, 74.38 feet to the TRUE POINT OF BEGINNING; thence North 27° 01' 01" West, 165.00 feet to a line parallel with and 150 feet Southeast of the Bullshead Channel Centerline; thence along said parallel line North 62° 58' 59" East, 1187.50 feet; thence leaving said parallel line South 27° 01' 01" East, 160.00 feet; thence South 25° 44' 31" West, 210.00 feet; thence South 62° 54' 38" West, 896.06 feet; thence North 72° 15' 29" West, 175.00 feet to the TRUE POINT OF BEGINNING.

**Parcel Four:**

All that sovereign land lying in Parcels "F" and "H" of AD 238, recorded March 14, 1996 in Document Number 96 46533 of Contra Costa County Recorders Office, and more particularly described as follows:

A strip of land eight (8) feet wide, the centerline of which is an existing 12 inch diameter petroleum pipeline, said existing pipeline lying parallel with and 46 feet northerly of the south lines of said Parcels "F" and "H".

The sidelines of side strip shall be extended or shortened so as to terminate at the northeasterly line of Parcel "F" and the southwesterly line of Parcel "H".

END OF DESCRIPTION

Parcel One revised by the California State Lands Commission Boundary Unit December 15, 2004.

Parcel Two prepared by the California State Lands Commission Boundary Unit, 1998.

Parcels Three and Four prepared by the California State Lands Commission Boundary Unit July 19, 2004.

The above described Parcel Three was based on "Hydrographic Survey of Shore Terminals Martinez, CA. Pier". Surveyed 03-06-2004. Prepared by Connexsys Eng. Inc. Richmond, CA. The survey is on file with the California State Lands Commission.



NO SCALE

## SITE MAP

APN 159-330-002 in°

## Exhibit B

PRC 4769.1

VALERO EAST BAY LLC

GENERAL LEASE -

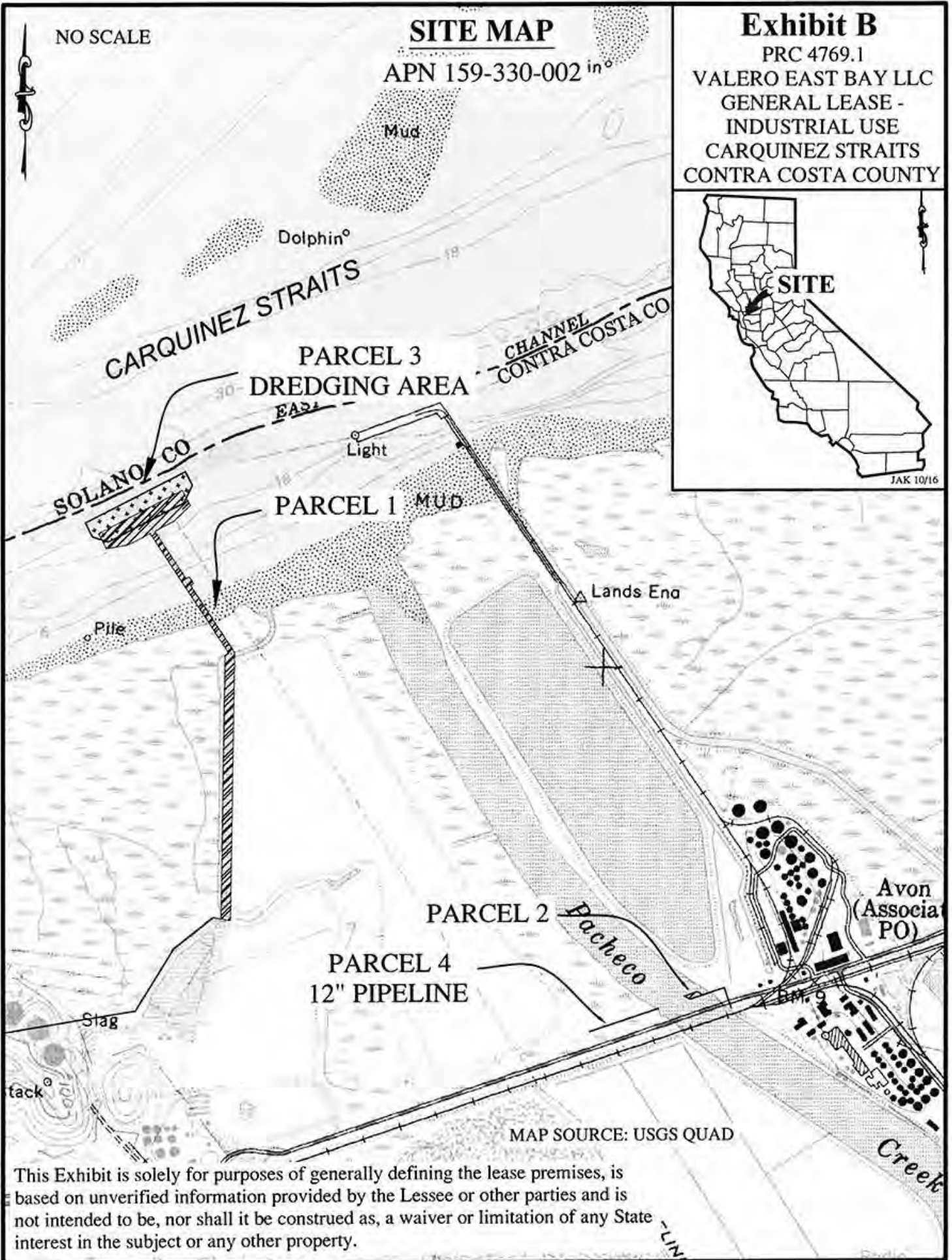
INDUSTRIAL USE

CARQUINEZ STRAITS

CONTRA COSTA COUNTY



JAK 10/16



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.